

LOEB & LOEB LLP

Schuyler G. Carroll
 Daniel B. Besikof
 Noah Weingarten
 345 Park Avenue
 New York, NY 10154
 Tel: (212) 407-4000
 Email: scarroll@loeb.com
 dbesikof@loeb.com
 nweingarten@loeb.com

*Counsel to the Debtors
 and Debtors-in-Possession*

**UNITED STATES BANKRUPTCY COURT
 EASTERN DISTRICT OF NEW YORK**

	)	Chapter 11
)	
	)	Case No. 19-76260-ast
In re:	)	Case No. 19-76263-ast
	)	Case No. 19-76267-ast
Absolut Facilities Management, LLC, <i>et al.</i>	)	Case No. 19-76268-ast
	)	Case No. 19-76269-ast
Debtors. ¹	)	Case No. 19-76270-ast
	)	Case No. 19-76271-ast
	)	Case No. 19-76272-ast
)	
	)	(Jointly Administered)

**NOTICE OF AGENDA FOR HEARING ON JANUARY 13, 2020 AT 11:00 A.M.
 (EASTERN), BEFORE THE HONORABLE ALAN S. TRUST AT THE UNITED
 STATES BANKRUPTCY COURT FOR THE EASTERN DISTRICT OF NEW YORK,
 AT COURTROOM 2554, 271-C CADMAN PLAZA EAST, BROOKLYN, NEW YORK**

11202

¹ The Debtors in these Chapter 11 Cases, along with the last four digits of each Debtor's federal tax identification number, are: Absolut Facilities Management, LLC (1412); Absolut Center for Nursing and Rehabilitation at Allegany, LLC (7875); Absolut Center for Nursing and Rehabilitation at Aurora Park, LLC (8266); Absolut Center for Nursing and Rehabilitation at Gasport, LLC (8080); Absolut at Orchard Brooke, LLC (1641); Absolut Center for Nursing and Rehabilitation at Orchard Park, LLC (8300); Absolut Center for Nursing and Rehabilitation at Three Rivers, LLC (8133); and Absolut Center for Nursing and Rehabilitation at Westfield, LLC (7924).

A. UNCONTESTED MATTERS:

1. Status Conference (Dkt. No. 50).
2. Debtors' Motion for Entry of An Order Enlarging the Period Within Which the Debtors May Remove Actions (Dkt. No. 292).

Related Documents: N/A

Status: This matter is going forward uncontested.

3. Application for Order (I) Shortening Time for Hearing on Debtors' Motion for Entry of An Order Enlarging the Period Within Which the Debtors May Remove Actions or, in Alternative, (II) for Bridge Order Extending Removal Period Through Hearing on Full Notice (Dkt. No. 293).

Related Documents: N/A

Status: This matter is going forward uncontested.

4. Debtors' Application for Entry of An Order Authorizing Employment and Retention of Michael Wyse of Wyse Advisors LLC as Chief Restructuring Officer for the Debtors *Nunc Pro Tunc* to the Petition Date (Dkt. No. 240).

Related Documents:

- A. U.S. Trustee's Objection (Dkt. No. 288).
- B. Debtors' Reply (Dkt. No. 304).
- C. Notice of Uploading Proposed Form of Retention Order on Consent of United States Trustee and Committee of Unsecured Creditors (Dkt. No. 379).

Status: This motion was granted, in part, at the December 9, 2019 hearing. An agreed form of order approving this motion has been uploaded. This matter can be marked off the calendar for the January 13, 2020 hearing.

5. Debtors' Emergency Motion for Interim and Final Orders (I) Authorizing, But Not Directing, Debtors to (A) Pay and Honor Prepetition Employee Obligations, and (B) Maintain and Continue Certain Compensation and Benefit Programs Postpetition; and (II) Granting Related Relief (Dkt. No. 13).

Related Documents:

- A. Interim Order (Dkt. No. 109).
- B. Notice of Filing Schedule of Prepetition Payroll and Tax Obligations (Dkt. No. 134).
- C. Second Interim Order (Dkt. No. 260).
- D. Declaration of Michael Wyse in Support of Third Proposed Interim Order (Dkt. No. 380).

Status: This motion was approved, in part, subject to the submission of a declaration and settlement of an order. The affidavit and notice of settlement of an order have been filed. This motion can be marked off the calendar for the January 13, 2020 hearing.

B. ADJOURNED MATTERS:

6. Debtors' Emergency Motion for Entry of Interim and Final Orders Authorizing the Debtors to Pay Certain Prepetition Claims of Critical Vendors (Dkt. No. 10).

Related Documents:

- A. Declaration of Michael Wyse (Dkt. Nos. 15 & 57).
- B. Debtors' Emergency Motion to Redact Critical Vendors Motion (Dkt. No. 18).
- C. Letters from Schuyler Carroll Providing Notice of First Day and Continued Hearing on Certain First Day Motions (Dkt. Nos. 21 & 33).
- D. Order Sealing Critical Vendors Motion (Dkt. No. 22).
- E. Redacted Version of the Critical Vendors Motion (Dkt. No. 24).
- F. Landlord's Objection (Dkt. No. 39).
- G. Interim Order (Dkt. No. 245).
- H. Latina Response (Dkt. No. 252).
- I. Second Interim Order (Dkt. No. 266).

Status: The Debtors will seek to adjourn consideration of this motion to a later date.

7. Debtors' Motion for Interim and Final Orders (I) Authorizing Payment of Certain Prepetition Taxes and Assessments and (II) Directing Financial institutions to Honor and Process Related Checks and Transfers (Dkt. No. 14).

Related Documents: N/A

Status: The Debtors will seek to adjourn consideration of this motion to a later date.

8. Ohio Casualty Insurance Company's Motion for Relief From the Automatic Stay to Cancel Surety Bonds and for Adequate Protection (Dkt. No. 257).

Related Documents:

- A. Amended Notice of Presentment (Dkt. No. 285).
- B. Ohio Casualty Insurance Company Adjournment Request Letter (Dkt. No. 375).

Status: Ohio Casualty has requested that the Court adjourn consideration of this motion to a later date.

C. CONTESTED MATTERS:

9. Debtors' Motion to Extend the Debtors' Exclusive Periods to File a Chapter 11 Plan and Solicit Acceptances Thereof Pursuant to Section 1121 of the Bankruptcy Code (Dkt. No. 321).

Related Documents:

A. Landlords' Objection (Dkt. No. 362).²

Status: This matter is going forward.

10. Motion to Enforce or Extend the Automatic Stay or for injunctive Relief Enjoining Prosecution of Certain Litigation Against Israel Sherman (*Absolut Facilities Management, LLC v. Mark LaSurk as Administrator of the Estate of Rhon*, No. 19-08155 Dkt. No. 7).³

Related Documents:

A. Debtors' Amended Memorandum of Law in Support of Motion (Dkt. No. 5).

B. Declaration in Opposition (Dkt. No. 8).

C. Memorandum of Law in Opposition (Dkt. No. 9).

Status: This motion is going forward.

11. Landlords' Motion for Entry of An Order (I) Confirming Absence or Termination of Automatic Stay or, in the Alternative, Granting Relief From the Automatic Stay As to Landlord Property, (II) Compelling Debtors to Provide Accounting and Return of Landlord Property, (III) Allowing and Compelling Immediate Payment of Administrative Expense Claim, and (IV) Authorizing Discovery Under Federal Rule of Bankruptcy Procedure 2004 (Dkt. No. 336).

Related Documents⁴:

A. Notice to Take Deposition (Dkt. No. 351).

B. ABS DIP, LLC's Objection (Dkt. No. 356).

C. Capital Finance's Limited Objection (Dkt. No. 365).

D. Capital Funding, LLC (Dkt. No. 366).

Status: This matter is going forward on status only.

12. Motion of the Debtors for Orders (I)(A) Approving Bidding Procedures for the Sale of Substantially All of the Debtors' Assets, (B) Authorizing the Selection of a Stalking Horse Bidder, (C) Approving Bid Protections, (D) Scheduling Auctions and Hearings to Consider Such Sale of

² The Debtors intend to file a reply in support of the motion and in response to the Landlords' objection. The Debtors will file amended agendas reflecting any additional filings.

³ The Debtors will file a reply in support of the motion to stay.

⁴ The Landlords extended the deadline for the Debtors' to file an objection through January 9, 2020. The Debtors intend to file an objection. The Debtors will file amended agendas reflecting any additional filings.

Assets, (E) Approving Assumption and Assignment Procedures Related to Such Sale, and (F) Approving the form and Manner of Related Notice; and (II)(A) Authorizing the Sale of Such Assets Free and Clear of Liens, Claims, Encumbrances, and interests, (B) Authorizing and Approving the Assumption and Assignment of Executory Contracts and Unexpired Leases in Connection with Such Sale and (C) Granting Related Relief (Dkt. No. 269).

Related Documents:

- A. Statement of the New York State Department of Health (Dkt. No 296).
- B. Capital Funding's Limited Objection (Dkt. No. 297).
- C. Cass Development Co.'s Limited Objection (Dkt. No. 300).
- D. Order Approving Bidding Procedures (Dkt. No. 323).
- E. Ally Bank/Ally Financial's Objection (Dkt. No. 349).
- F. Capital Funding, LLC's Limited Objection (Dkt. No. 373).
- G. Notice of Cancellation of Auction (Dkt. No. 376).
- H. DIP Lender's Limited Objection and Reservation of Rights (Dkt. No. 377).

Status: This matter is going forward.

Dated: January 9, 2020
New York, New York

LOEB & LOEB LLP

/s/ Daniel B. Besikof

Schuyler G. Carroll

Daniel B. Besikof

Noah Weingarten

345 Park Avenue

New York, NY 10154

Tel: (212) 407-4000

Fax: (212) 407-4990

scarroll@loeb.com

dbesikof@loeb.com

nweingarten@loeb.com

*Counsel to the Debtors
and Debtors-in-Possession*